

EXHIBIT A

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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KENNETH SAMUELS,

Plaintiff,

Index No.

-against-

13 Civ. 8287 (KMK)

COMMISSIONER BRIAN FISCHER,

et al.,

Defendants.

-----x

DEPOSITION OF

RONALD WOODY

New York, New York

Tuesday, September 18, 2018

Reported by

Roberta Caiola

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**New Jersey
Pennsylvania**

1 Ronald Woody

2 Q. The date of this is 6/16/2011, do you
3 see that?

4 A. Yes.

5 Q. On this document which was written by
6 the IG interviewer I believe, it states:

7 "At that point I was instructed by the
8 area supervisor to report to medical and get
9 treatment. Please be advised that as a result of
10 being assaulted by inmate Samuels I received the
11 following injuries, swelling to left side of face
12 and swelling to left hand, I was also out of work
13 approximately 2-1/2 months due to my injuries. I
14 was under the care of a doctor the entire time I
15 was out of work."

16 Did you make those statements to the
17 Inspector General?

18 A. Yes.

19 Q. Does looking at that document refresh
20 your recollection that you missed work as a
21 result of this incident with Mr. Samuels?

22 A. Yes.

23 Q. So it appears that you missed
24 approximately 2-1/2 months of work, is that
25 correct?

1 Ronald Woody

2 A. Yes.

3 Q. Does looking at this refresh your
4 recollection as to whether you received workers'
5 compensation in connection with this incident?

6 A. Yes.

7 Q. You did receive workers' compensation
8 in connection with this incident, correct?

9 A. I think so, yes.

10 Q. Well, if you were out of work for 2-1/2
11 months because of an injury you would have
12 received workers' compensation, correct?

13 A. Yes.

14 Q. Which doctor were you under the care
15 of?

16 A. I don't recall.

17 Q. Who's your family doctor?

18 A. My family doctor, I haven't been to one
19 in a while. I can't recall who it was back then.

20 Q. Was it Dr. Walters?

21 A. It might have been. I can't recall if
22 it was or wasn't.

23 Q. Did you ever see somebody named Dr.
24 Walters?

25 A. I have, yes.

1 Ronald Woody

2 Q. When was the last time you saw Dr.
3 Walters?

4 A. I can't recall when the last time it
5 was.

6 Q. You can set that aside, thank you. If
7 you receive workers' compensation as a result of
8 an incident you have to receive a medical
9 certification that you are, in fact, injured,
10 correct?

11 A. Yes.

12 Q. You can't recall who provided medical
13 care to you in connection with this incident, is
14 that correct?

15 A. Yes, that's correct.

16 Q. Do you recall what treatment you
17 received for this?

18 A. No, I don't recall what the treatment
19 was.

20 Q. So you had swelling to your left hand,
21 is that correct?

22 A. Yes.

23 Q. Why you did miss work for 2-1/2 months
24 as a result of your hand swelling?

25 MR. STABILE: Object to form.

1 Ronald Woody

2 I can't find what I'm looking for, so we'll have
3 to go back to that.

4 While you worked as a correction
5 officer at Sing Sing were you aware of any
6 incidents where officers used excessive force
7 against inmates?

8 A. No.

9 Q. Were you aware of any efforts by the
10 superintendent or supervisors of the facility to
11 address excessive force against inmates?

12 A. No.

13 Q. Did you hear any discussions at the
14 facility amongst correction officers about using
15 force against inmates?

16 A. No.

17 Q. Did you read any articles in the
18 newspaper at any point about the issue of
19 excessive force by officers at Sing Sing?

20 A. No.

21 Q. Have you heard that there was a problem
22 at Sing Sing with excessive force by officers
23 against inmates at Sing Sing?

24 A. No.

25 Q. You submitted a number of claims for

1 Ronald Woody

2 workers' compensation while you were employed at
3 the Department of Corrections, correct?

4 A. Yes.

5 Q. How many times did you receive workers'
6 compensation while you were employed at the DOC?

7 A. I can't recall, but I know it's three
8 for sure. I had rotator cuff surgery to the left
9 shoulder, spinal surgery, and I've also had Tommy
10 John surgery.

11 Q. Were all of the surgeries related to
12 injuries that you sustained as a correction
13 officer?

14 A. Yes.

15 Q. Do you recall testifying at the
16 arbitration regarding the penalty for your
17 termination case?

18 Do you recall testifying at the
19 arbitration hearing that you had received
20 workers' compensation approximately eight times?

21 A. I don't recall.

22 Q. Would that number sound wrong to you?

23 A. I don't recall ma'am, I really don't.

24 Q. So it's possible that you received
25 workers' compensation eight times?

1 Ronald Woody

2 A. I know I received it, but I don't know
3 how many times.

4 Q. It could be eight times?

5 A. I don't recall how many times.

6 Q. Since you don't recall you have no way
7 of knowing whether it's seven, eight, ten, five,
8 is that correct?

9 A. That's correct. I can't give a number
10 if I can't recall.

11 Q. Do you recall an incident in January of
12 2015 where you suffered an elbow and a forearm
13 strain as a result of attempting to close a stuck
14 metal door?

15 A. That's this injury, yes, that's the one
16 I told you about. I had the tendon repaired and
17 a vein moved from one spot to another.

18 Q. That was as a result of the injury that
19 was incurred as a result of trying to close a
20 stuck door?

21 A. Yes.

22 Q. You also reported that you sustained
23 another injury in connection with a door in 2012,
24 is that correct?

25 A. I can't recall. Was that at Sing Sing?

1 Ronald Woody

2 Q. Yes.

3 A. Was that on X gallery?

4 Q. Did you sustain an injury at Sing Sing
5 as a result of a door?

6 A. I don't know if it was a door or it
7 could have been the gallery.

8 Q. Wait sir, I'm going to give you a
9 document.

10 (Plaintiff's Exhibit 38, Employee
11 Injury Report dated 8/14/12, Bates stamped
12 SAMUELS_1341 and SAMUELS_1342, marked for
13 identification.)

14 Q. I'm handing you what's been marked as
15 Exhibit 38, which is Bates stamped SAMUELS_1341
16 and 1342. This is an Employee Injury Report
17 dated 8/14/12, and it says Officer R. Woody was
18 closing the U gallery, I cannot read that word,
19 north side breaker slop sink door, opened the
20 door, couldn't slide, causing pain in, I can't
21 read that, upon closing. Then on the other side
22 it says that you have pain to your left wrist and
23 fingers.

24 So does looking at this document remind
25 you that this was another time when you injured

1 Ronald Woody

2 ever had in your life?

3 A. I've had one when I was younger, but
4 that was it.

5 Q. Before you worked at the Department of
6 Corrections?

7 A. Maybe. I'm not sure if it was before
8 or during.

9 Q. Where was that bank account?

10 A. I can't recall.

11 Q. What bank was it?

12 A. Chase.

13 Q. What bank do you bank with now?

14 A. Wells Fargo.

15 Q. When you received workers' compensation
16 payments while you were working at the Department
17 of Corrections, how did you receive those?

18 A. It was a check.

19 Q. All of those workers' compensation
20 payments that you received, did any of them go
21 into a bank account?

22 A. No.

23 Q. So you were terminated from the
24 Department of Corrections in March 2016, is that
25 correct?

1 Ronald Woody

2 A. I'm not sure of the year, but yes, I
3 was terminated.

4 Q. Why were you terminated?

5 A. Say that again?

6 Q. Why were you terminated?

7 A. They said it was attempted workers'
8 comp fraud. The exact word was attempt to
9 attempt.

10 Q. Let's go back to your interrogatory
11 responses, page 7. In this interrogatory
12 response you say, "In 2016 I pleaded guilty to a
13 misdemeanor for workers' compensation fraud and
14 thereafter it was terminated by DOCCS in
15 March 2016," do you see that?

16 A. Yes.

17 Q. Were you terminated from DOCCS in March
18 2016?

19 A. I don't remember the month, but that's
20 the year.

21 Q. I'm showing you the document that you
22 verified and swore was true and accurate, does
23 that refresh your recollection?

24 A. Yes.

25 Q. That you were terminated by the DOC in

1 Ronald Woody

2 March 2016?

3 A. Yes.

4 Q. Does it also refresh your recollection
5 that in 2016 you pled guilty to a misdemeanor for
6 workers' compensation fraud?

7 A. Yes.

8 Q. Is that correct?

9 A. Yes.

10 Q. Why were you terminated from the
11 Department of Corrections?

12 A. The exact word from the arbitrator was
13 since I could not make a decision -- since the
14 judge could not make a decision I'm not going to
15 make a decision, so then they terminated me.
16 Before the termination they had me set up to go
17 back to work.

18 Q. What's your understanding of why you
19 were terminated?

20 A. They said I attempted.

21 Q. You attempted what?

22 A. Workers' comp fraud because I was
23 working at one job and they said I wasn't -- the
24 document stated as long as I wasn't doing
25 anything within my job scope of corrections I was

1 Ronald Woody

2 good. I worked a few days and I stopped and then
3 this came about.

4 (Plaintiff's Exhibit 39, Employee Time
5 History Report, Bates stamped SAMUELS_1308,
6 marked for identification.)

7 Q. So this document is Bates stamped
8 SAMUELS_1308, this is your time record from your
9 job at Yankee Stadium.

10 Directing your attention to the top
11 line. Do you see where it says August 14, 2012,
12 it says 4:30 p.m., and you earned \$150 working
13 that game?

14 A. Yes, I see it.

15 Q. Looking at Exhibit 38. This is the day
16 that you hurt your hand on the breaker switch,
17 that was also August 14, 2012, correct?

18 A. Yes.

19 Q. So the day that you hurt your hand on
20 the breaker switch you also then reported for
21 duty at 4:30 p.m. to Yankee Stadium?

22 A. Yes.

23 Q. Were you injured in the August 14, 2012
24 breaker incident?

25 A. Yes, but I'm not sure of the time this

1 Ronald Woody

2 Q. What forms are you talking about?

3 A. Oh, gosh, I don't remember, I have to
4 see them.

5 (Plaintiff's Exhibit 40, Document for
6 Workers' Compensation Leave, Bates stamped
7 SAMUELS_1332 TO SAMUELS_1351, marked for
8 identification.)

9 Q. I'm handing you what's been marked as
10 Plaintiff's Exhibit 40, which is Bates stamped
11 SAMUELS_1332 TO SAMUELS_1351.

12 Was Dr. Walters your doctor at the time
13 of the 8/14/12 incident?

14 A. Yes.

15 Q. Did you see him for treatment for your
16 injury?

17 A. Yes.

18 Q. It says here the first time that you
19 received treatment from Dr. Walters was 8/15/12,
20 do you see that?

21 A. Yes.

22 Q. It says you had a crushed left hand
23 injury and a sprained left wrist, do you see
24 that?

25 A. Yes.

1 Ronald Woody

2 Q. Turning to the next page, 1333. This
3 is a form that Dr. Walters filled out to support
4 your request for workers' compensation, correct?

5 A. Yes.

6 Q. On this form it says that you're
7 incapacitated from work from 8/15/12 to 8/29/12,
8 do you see that?

9 A. Yes.

10 Q. It says your prognosis is guarded, do
11 you see that?

12 A. Yes.

13 Q. If you continue and you look through
14 these pages they document your ongoing submission
15 of workers' compensation request stemming from
16 this 8/14/12 injury, is that correct?

17 A. Yes.

18 MS. ROSENFELD: Will you mark this,
19 please.

20 (Plaintiff's Exhibit 41, Report of
21 Disciplinary Action, Bates stamped
22 SAMUELS_1174 through SAMUELS_1176, marked
23 for identification.)

24 Q. I'm handing you what's been marked as
25 Exhibit 41. Have you seen this document before?

1 Ronald Woody

2 A. Yes.

3 Q. It states that you're being dismissed
4 from state service because you were arrested for
5 insurance fraud and grand larceny, correct?

6 A. Yes.

7 Q. If you turn over there's a Notice of
8 Discipline dated January 6, 2015, correct?

9 A. Yes.

10 Q. You were served with this, right?

11 A. Yes.

12 Q. The allegation here is that between
13 August 14, 2012 and December 2, 2012 you
14 fraudulently accepted benefits to which you were
15 not entitled in violation of various statutes,
16 that's at number 2, do you see that?

17 A. Yes.

18 Q. Do you see that it says that you made
19 false statements and submitted documents and
20 therefore received in excess of \$3,000 in
21 workers' compensation benefits, do you see that?

22 A. Yes.

23 Q. Continuing on to SAMUELS_1176, it's the
24 last page. It says that you engaged in egregious
25 misconduct and filed false documents and made

1 Ronald Woody

2 A. I found out after the situation.

3 Q. So you are aware of what light duty is?

4 A. After the situation I was, but during
5 the situation I didn't know about it.

6 Q. What's light duty?

7 A. I don't know what they do. I heard it
8 was just light duty after the fact, but I was
9 already terminated.

10 Q. So you didn't know that you could work
11 light duty at the facility with your injury?

12 A. No, I did not.

13 Q. You pled guilty to this misdemeanor,
14 workers' compensation fraud, correct?

15 A. Yes.

16 Q. You had a lawyer in that proceeding?

17 A. Yes.

18 Q. And you pled guilty, and you
19 acknowledged that you committed workers'
20 compensation fraud, is that correct?

21 A. Yes.

22 Q. What is the fraud that you committed?

23 A. I don't remember what it was, but it
24 was they said attempt to attempt. They told me
25 to take a lesser charge so that I could go back

1 Ronald Woody

2 to corrections. I took the charge. If I would
3 have known that I was not going to be allowed
4 back to corrections I would have kept fighting
5 the case. But the DA and everyone got together
6 and talked about it, and I was told to take it so
7 that I could get back to work.

8 Q. What was your understanding of what the
9 fraud that you pled guilty to consists of?

10 A. I don't know.

11 Q. Do you understand that by pleading
12 guilty to the workers' compensation fraud you
13 acknowledge that you engaged in fraud in
14 submitting workers' compensation for that
15 August 14, 2012 incident?

16 A. Yes.

17 Q. You understand the Department of
18 Corrections terminated you because it believed
19 that you were untruthful and had made false
20 statements to it?

21 A. Yes.

22 Q. Thank you. How did you find your
23 doctor, Dr. Samuel Walters?

24 A. I don't recall.

25 Q. Do other officers at the Department of

1 Ronald Woody

2 Corrections see Dr. Walters?

3 A. I don't recall. I wouldn't know.

4 Q. Dr. Walters certified for many months
5 that you had a left wrist injury that prevented
6 you from returning to work at the Department of
7 Corrections?

8 A. Yes.

9 Q. Did he know that you were working at
10 Legends at that time?

11 A. No.

12 Q. Did you tell him?

13 A. No.

14 Q. Did you keep it from him?

15 A. I had no reason to tell him. I didn't
16 think I had to tell him.

17 Q. So you were going to see a doctor on an
18 almost biweekly basis to certify that you were
19 incapable of working due to an injury, and you
20 didn't think that it was important to tell him
21 that you actually had another job that you were
22 doing?

23 MR. STABILE: Object to form. You can
24 answer.

25 A. I wasn't using that wrist. I had a

1 Ronald Woody

2 brace on the wrist. I never used my left hand at
3 all, so I didn't think about it.

4 Q. Did you have an arbitration hearing?

5 A. For this?

6 Q. For this incident?

7 A. Yes.

8 Q. Did you testify in person?

9 A. Yes.

10 Q. Were you present when the Deputy
11 Superintendent of Security at Fishkill, Dale
12 Long, testified?

13 A. Yes.

14 Q. Were you present when Mr. Long said
15 that he regards you to be a liar and a thief?

16 A. Yes, I was there.

17 Q. Were you present when Mr. Long
18 testified that your absence from work made it
19 difficult to overcome staffing shortages and
20 depleted resources?

21 A. Yes.

22 Q. Were you present when Mr. Long
23 testified that you can no longer serve as a role
24 model for inmates?

25 A. Yes.

1 Ronald Woody

2 got it because they terminated me, I looked at
3 the package that said I was terminated. He
4 called me and said I was terminated. I got the
5 notice and I didn't open it.

6 Q. I'm just trying to establish what is
7 correct in terms of the underlying facts about
8 this leave.

9 So you're saying that you were not
10 absent for 108 days, and you never said that you
11 were, is that right?

12 A. Yes, that's what I'm saying.

13 Q. Did you testify that you sustained a
14 sprained wrist on August 14, 2012?

15 A. Yes, I did sustain something on
16 August 14th, yes.

17 Q. But did you testify to that at the
18 hearing?

19 A. It's been so long I don't know, I'm
20 just reading it now. I don't recall what was
21 said.

22 Q. You recall very clearly that you didn't
23 testify about being absent for 108 days. Do you
24 recall that you testified about having a sprained
25 wrist?

1 Ronald Woody

2 MR. STABILE: Object to form.

3 A. I was out because of an injury.

4 Q. Is it correct here where it says, "On
5 that date I absented myself from work as a result
6 of the injury and filed for workers' compensation
7 leave," is that correct?

8 A. Where is that at?

9 Q. That's in the third bullet in the
10 second sentence.

11 A. I still don't see it. Yes.

12 Q. Do you see that?

13 A. Yes, I see it.

14 Q. Is that correct?

15 A. Yes, I went out that day.

16 Q. If you go down it says, "Upon
17 cross-examination Ronald Woody stated the
18 following." It says, "I have filed Workers'
19 Compensation claims before. Eight times in the
20 past, would not surprise me. I believe I was
21 working at Legends during at least one of the
22 past times I was on workers' compensation leave."

23 Is that a correct summary of your
24 testimony from the hearing?

25 A. I don't remember saying the exact

1 Ronald Woody

2 amount of times, but when they presented one of
3 the exhibits with the pay schedule, yes, that's
4 when I stated that.

5 Q. Just because I need to make the record
6 more clear about what we agree and disagree
7 about.

8 That statement that I just read which
9 says, "I have filed workers' compensation claims
10 before," is that true?

11 A. I filed them before, yes, I have.

12 Q. Then it says "eight times in the past
13 would not surprise me," is that correct?

14 A. No, that's not correct, because I'm not
15 sure if I would have gave them eight times. I
16 wouldn't have known how many times I filed.

17 Q. So you don't believe you testified to
18 that?

19 A. I don't recall if I did or didn't.

20 Q. If it says here that you did, what
21 makes you think that that's inaccurate?

22 A. Because there's other statements in
23 here that's inaccurate.

24 Q. What about this statement, "I believe I
25 was working at Legends during at least one of the